

UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA

**CIVIL MINUTES – GENERAL**

Case No.: 8:23-00202 ADS Date: April 4, 2023

Title: Theresa Brooke v. Desert Palm Suites LP

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Present: The Honorable Autumn D. Spaeth, United States Magistrate Judge

Kristee Hopkins

Deputy Clerk

None Reported

Court Reporter / Recorder

Attorney(s) Present for Plaintiff(s):

None Present

Attorney(s) Present for Defendant(s):

None Present

**Proceedings: (IN CHAMBERS) ORDER TO SHOW CAUSE WHY CASE  
SHOULD NOT BE DISMISSED FOR FAILURE TO  
PROSECUTE AND OBEY COURT ORDER**

On February 9, 2023, upon receiving a Notice of Settlement by Plaintiff Theresa Brooke, the Court ordered that “[d]ismissal documents shall be filed no later than March 13, 2023.” (Dkt. Nos. 7, 8.) On March 12, 2023, Plaintiff filed a Status Report re: Settlement, alleging that Defendant is “taking unusually long to finalize the settlement.” (Dkt. No. 9.) Upon receipt of Plaintiff’s Status Report, the Court issued an Order to Show Cause re: Dismissal, ordering the parties to show cause in writing or by filing a notice of dismissal by no later than March 21, 2023. (Dkt. No. 10.)

On March 20, 2023, Plaintiff filed a Response to the Court’s OSC. (Dkt. No. 11.) Plaintiff’s Response includes a declaration and an exhibit of email communications between the parties. (*Id.*) The exhibit reflects that Defendant informed Plaintiff that Plaintiff will receive consideration “within a week” of yesterday. (*Id.*, Ex. 1.) Therefore, Plaintiff requested until April 3, 2023 to file dismissal papers. (*Id.* at 2.) The Court issued an Order re: Plaintiff’s Response to the Court’s OSC, ordering the parties to file a notice of dismissal by no later than April 3, 2023. (Dkt. No. 12.) As of the date of this order, the parties have not filed a notice of dismissal.

Plaintiff is ordered to show cause why this case should not be dismissed under Federal Rule of Civil Procedure 41(b) for failure to prosecute and obey a court order.

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**Plaintiff must file a written response by no later than April 18, 2023.**

Plaintiff may respond to this order by filing a notice of dismissal.

**Plaintiff is expressly warned that failure to timely file a response to this order may result in a recommendation to the District Judge that this action be dismissed without prejudice for failure to prosecute and obey a Court order pursuant to Federal Rule of Civil Procedure 41(b).**

**IT IS SO ORDERED.**

Initials of Clerk kh